

DOX to Dv
1655



Atty Dkt No. 5100-0707
USSN: 09/766,273
PATENT

RECEIVED

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 26 Dec 2001, FEB 04 2002

12/26/01 Susan LaMont
Date Signature

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BITTNER et al.

Serial No.: 09/766,273

Art Unit: 1655

Filing Date: January 18, 2001

Examiner: Forman, Betty J.

Title: OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR
NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE
IN SITU HYBRIDIZATION

AMENDMENT TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a Response to Restriction Requirement in the above patent application in response to the Office Action of November 27, 2001.

- Petition for Extension of Time enclosed.
- No additional fee is required.
- Also enclosed: Sequence Listing (paper and disk); Statement Regarding Sequence Listing; postcard

No. of Claims After Amendment	Most Claims Previously Paid			Extra Claims	Additional Fee		
A. Total Claims		-		=	x	\$18	= \$
B. Ind. Claims		-		=	x	\$84	=



RECEIVED

FEB 04 2002

TECH CENTER 1600/290

C. If amended to contain multiple dependent claims, add 280	\$280	=	\$
D. Total Amendment Fee (Total of A, B & C)		=	
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)		=	
F. Total Amendment Fee (D minus E)		=	\$

- A check for \$ to cover the extension of time fee and extra claims fee is attached.
- Charge \$ to Deposit Account No. 18-1648.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: Dec 24/2001

By: Narinder S. Banait
Narinder S. Banait
Registration No. 43,482
Attorney for Applicants

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: 650-325-7812
Facsimile: 650-325-7823



Atty Dkt No. 5100-0707
Client No. 0008-US
PATENT

4512
2-12-02
NW

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 26 December 2001.

RECEIVED

12/26/01 Susan LaMont
Date Signature

FEB 04 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BITTNER et al.

Serial No.: 09/766,273

Group Art Unit: 1655

Filing Date: January 18, 2001

Examiner: Forman, Betty J

Title: OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR
NANOCRYSTALS FOR MICROARRAY AND FLUORESCENCE IN
SITU HYBRIDIZATION

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement dated November 27, 2001. The Examiner therein required election of one of the following groups of claims:

Group I, claims 1-38 and 44, drawn to a method of assaying a sample (classified in class 435, subclass 6); and

Group II, claims 39-43, drawn to a polynucleotide assay complex and kit (classified in class 536, subclass 24.3 and class 422, subclass 61).

Applicants hereby elect to prosecute the claims of Group I, claims 1-38 and 44, without traverse.

Atty Dkt No. 5100-0707
USSN: 09/766,273
PATENT

Applicants expressly reserve their right under 35 U.S.C. §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

REQUIREMENT TO COMPLY WITH NUCLEIC ACID SEQUENCE RULES

The Examiner requested that the applicant provide a computer readable form, and a paper copy of the "Sequence Listing", as well as a statement that the paper and computer readable copies are the same. The applicants have complied with the sequence rules in their response to "Missing Parts" mailed on May 29, 2001. For the convenience of the office, the applicants herein provide a copy of the computer readable form and a written copy of the sequence listing and the Statement Regarding Sequence Listings as filed.

Please address all further communications to Roberta L. Robins at Customer No. 20855.

Respectfully submitted,

Date: Dec 21/2001

By: Narinder Banait

Narinder S. Banait
Registration No. 43,482
Attorney for Applicants

ROBINS & PASTERNAK
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 325-7812
Fax: (650) 325-7823

<211> 70
<212> DNA
<213> Homo sapiens

<400> 3
gctcccgagaa tttcagcttc agcttaactg acagatgtt aagcttctg gtttagattgt 60
tttcacttgg 70

<210> 4
<211> 70
<212> DNA
<213> Homo sapiens

<400> 4
ccaccctgtcc ctccctggct gctggattgt ctcgtttcc tgccaaataa acaggatcag 60
cgctttaaaa 70

<210> 5
<211> 50
<212> DNA
<213> Homo sapiens

<400> 5
ttcaccgaaa cagcattagc gaccctaagc aggagggact gcaggtctc 50

<210> 6
<211> 50
<212> DNA
<213> Homo sapiens

<400> 6
tcactgccag ctggcacagt tctcgggcag gctgtgcaga atggcctcca 50

<210> 7
<211> 50
<212> DNA
<213> Homo sapiens

<400> 7
ccaagtgaaa acaatctaac cagaaagctt taacatctgt cagtaagct 50

<210> 8
<211> 50
<212> DNA
<213> Homo sapiens

<400> 8
ttttaagcg ctgatccgt ttiattggca ggaaaacgag acaatccagc 50

<210> 9
<211> 69
<212> DNA
<213> Artificial Sequence

<220>
<223> Complement oligo with generic tag ~

<400> 9
ggcgtggcgg ggaaaggcatt tcaccgaaac agcattagcg accctaagca ggagggactg 60
caggcttc 69

<210> 10
<211> 63
<212> DNA
<213> Artificial Sequence

<220>
<223> Complement oligo with generic tag

<400> 10
gggcggcgac ctttcacccg aaacagcatt agcgacccta agcaggaggg actgcaggc 60
ttc 63

<210> 11
<211> 63
<212> DNA
<213> Artificial Sequence

<220>
<223> Complement oligo with generic tag

<400> 11
gggcggcgac ctttcactgc cagctggcac agttctcggg caggctgtgc agaatggcct 60
cca 63

<210> 12
<211> 69
<212> DNA
<213> Artificial Sequence

<220>
<223> Complement oligo with generic tag

<400> 12
ggcgtggcgg ggaaaggcatt cactgccagc tggcacagtt'ctcgggcagg ctgtgcagaa 60
tggcctcca 69

<210> 13
<211> 29
<212> DNA
<213> Artificial Sequence

<220>
<223> Oligo for attachment to SCNCs

<400> 13
cttggaaacaac actcacaagg tcgcccggcc 29

<210> 14
<211> 36
<212> DNA
<213> Artificial Sequence

<220>
<223> Oligo for attachment to SCNCs

<400> 14
cttggaaacaac actcacaatg cttccccgc cacgcc 36

<210> 15
<211> 41
<212> DNA
<213> Artificial Sequence

<220>
<223> Reverse transcription primer including
bacteriophage 186 cos site

<221> misc_feature
<222> (1)...(41)
<223> n = A,T,C or G

<400> 15
ggcgtggcgg ggaaaggcatt tttttttttt ttttttttv n 41

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Dated: 5/29/01 Name of Person Certifying: David Maher
Printed Name: David W. Maher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael BITTNER, et al.

Assignees: Quantum Dot Corporation and THE
GOVERNMENT OF THE UNITED STATES OF
AMERICA, as represented by the Secretary,
Department of Health and Human Services

Filing Date: January 18, 2001

Examiner: Not Yet Assigned

Serial No.: 09/766,273

Group Art Unit: 1645

Title: **OLIGONUCLEOTIDE-TAGGED SEMICONDUCTOR NANOCRYSTALS FOR
MICROARRAY AND FLUORESCENCE IN SITU HYBRIDIZATION****STATEMENT REGARDING SEQUENCE LISTING UNDER 37 C.F.R. §§ 1.821-1.825**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Applicants hereby declare that the content of the computer-readable copy of the Sequence Listing furnished herewith is the same as the written copy of the Sequence Listing.

Date: May 29, 2001

Respectfully submitted,

By:

David W. Maher
Registration No. 40,077

McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4908
Telefax: (650) 849-4800